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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR 02-20085 JF
12)
Plaintiff,) STIPULATION AND ~~[PROPOSED]~~
13) ORDER CONTINUING HEARING DATE
vs.) AND EXCLUDING TIME UNDER THE
14) SPEEDY TRIAL ACT
ANTONIO GARCIA,)
15)
Defendant.)
16 _____)
17

18 **STIPULATION**

19 Defendant Antonio Garcia, by and through Assistant Federal Public Defender Nicholas
20 Humy, and the United States, by and through Assistant United States Attorney Thomas A.
21 Colthurst, hereby stipulate that, with the Court's approval, the status hearing currently set for
22 Friday, January 15, 2010, at 1:30 p.m., shall be continued to Wednesday, January 20, 2010, at
23 9:00 a.m.

24 The continuance is requested due to the medical treatment schedule of defense counsel.

25 In addition, the defense respectfully requests that the defendant's presence, which has
26 been excused for the January 15, 2010, hearing, be excused for the January 20, 2010, hearing.

1 The government does not oppose this request.

2 The parties agree that the time between Friday, January 15, 2010, and January 20, 2010,
3 is excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) and (B)(iv), for continuity
4 of counsel and effective preparation by defense counsel.

5 IT IS SO STIPULATED.

6 Dated: January 13, 2010

7 _____
/s/
8 NICHOLAS P. HUMY
Assistant Federal Public Defender

9 Dated: January 13, 2010

10 _____
/s/
11 THOMAS A. COLTHURST
Assistant United States Attorney

12 **~~[PROPOSED]~~ ORDER**

13 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
14 ORDERED that the status hearing shall be continued from Friday, January 15, 2010, to
15 Wednesday, January 20, 2010.

16 THE COURT FINDS that failing to exclude the time between January 15, 2010, and
17 January 20, 2010, would unreasonably deny the defendant's continuity of counsel, and would
18 unreasonably deny counsel the reasonable time necessary for effective preparation, taking into
19 account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

20 THE COURT FURTHER FINDS that the ends of justice served by excluding the time
21 between January 15, 2010, and January 20, 2010, from computation under the Speedy Trial Act
22 outweigh the interests of the public and the defendant in a speedy trial.

23 THEREFORE, IT IS HEREBY ORDERED that the time between January 15, 2010, and
24 January 20, 2010, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §
25 3161(h)(8)(A) and (B)(iv).
26

1 IT IS FURTHER ORDERED that the defendant's appearance at the January 20, 2010,
2 status hearing shall be excused.

3 IT IS SO ORDERED.

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5 Dated: 1/14/10

A handwritten signature in blue ink, appearing to read 'J. Fogel', written over a horizontal line.

6 The Honorable Jeremy Fogel
7 United States District Court
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